
By: **Senators Brinkley, Garagiola, and Mooney**
Introduced and read first time: January 28, 2004
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Sheriffs - Appointment of Medical Advisors**

3 FOR the purpose of authorizing the sheriff of each county to appoint a physician
4 licensed to practice in the State as a medical advisor for that county and to
5 define the role of the medical advisor; providing that the medical advisor serve
6 at the pleasure of the sheriff except under certain circumstances; providing for
7 the compensation and employment status of a medical advisor; authorizing
8 medical advisors to conduct investigations and make arrests under certain
9 circumstances; requiring the Police Training Commission to establish certain
10 standards for the certification of medical advisors and to certify medical
11 advisors who meet the standards established by the Commission; authorizing
12 medical advisors to attend classes at certain police training schools; and
13 generally relating to county medical advisors.

14 BY adding to
15 Article - Courts and Judicial Proceedings
16 Section 2-312
17 Annotated Code of Maryland
18 (2002 Replacement Volume and 2003 Supplement)

19 BY adding to
20 Article - Public Safety
21 Section 3-217.1
22 Annotated Code of Maryland
23 (2003 Volume)

24 BY repealing and reenacting, with amendments,
25 Article - State Government
26 Section 12-101(a)
27 Annotated Code of Maryland
28 (1999 Replacement Volume and 2003 Supplement)

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article - Courts and Judicial Proceedings**

4 2-312.

5 (A) THE SHERIFF OF EACH COUNTY MAY APPOINT A PHYSICIAN LICENSED TO
6 PRACTICE MEDICINE IN THE STATE AS A MEDICAL ADVISOR FOR THAT COUNTY.

7 (B) EACH SHERIFF SHALL DEFINE THE ROLE OF THE MEDICAL ADVISOR IN
8 THAT COUNTY.

9 (C) EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION, THE MEDICAL
10 ADVISOR SHALL SERVE AT THE PLEASURE OF THE SHERIFF.

11 (D) EACH SHERIFF SHALL, WITH THE APPROVAL OF THE LOCAL GOVERNING
12 BODY, DETERMINE THE APPROPRIATE AND REASONABLE COMPENSATION FOR THE
13 MEDICAL ADVISOR.

14 (E) A MEDICAL ADVISOR MAY CONDUCT INVESTIGATIONS AND MAKE
15 ARRESTS THAT RELATE DIRECTLY TO A CATASTROPHIC HEALTH EMERGENCY AS
16 DEFINED IN ARTICLE 41, § 2-201 OF THE CODE OR TO WEAPONS THAT COULD BE USED
17 TO CAUSE A CATASTROPHIC HEALTH EMERGENCY.

18 (F) AN INDIVIDUAL MAY NOT SERVE AS A COUNTY MEDICAL ADVISOR FOR A
19 PERIOD OF MORE THAN 1 YEAR UNLESS THE INDIVIDUAL IS CERTIFIED BY THE
20 POLICE TRAINING COMMISSION AS PROVIDED IN § 3-217.1 OF THE PUBLIC SAFETY
21 ARTICLE.

22 **Article - Public Safety**

23 3-217.1.

24 (A) THE COMMISSION SHALL ESTABLISH STANDARDS FOR THE
25 CERTIFICATION OF COUNTY MEDICAL ADVISORS UNDER § 2-312 OF THE COURTS
26 ARTICLE.

27 (B) THE COMMISSION SHALL CERTIFY AS A COUNTY MEDICAL ADVISOR AN
28 INDIVIDUAL APPOINTED UNDER § 2-312 OF THE COURTS ARTICLE WHO
29 SATISFACTORILY MEETS STANDARDS ESTABLISHED BY THE COMMISSION.

30 (C) A MEDICAL ADVISOR MAY ATTEND CLASSES AT POLICE TRAINING
31 SCHOOLS CERTIFIED UNDER § 3-207(2) OF THIS SUBTITLE TO OBTAIN CERTIFICATION
32 OR TO RETAIN OR UPGRADE SKILLS.

1 **Article - State Government**

2 12-101.

3 (a) In this subtitle, unless the context clearly requires otherwise, "State
4 personnel" means:5 (1) a State employee or official who is paid in whole or in part by the
6 Central Payroll Bureau in the Office of the Comptroller of the Treasury;

7 (2) an employee or official of the:

8 (i) Maryland Transportation Authority;

9 (ii) Injured Workers' Insurance Fund;

10 (iii) Maryland Stadium Authority;

11 (iv) Maryland Environmental Service;

12 (v) overseas programs of the University College of the University
13 System of Maryland;

14 (vi) Maryland Economic Development Corporation;

15 (vii) Maryland Technology Development Corporation; and

16 (viii) Maryland African American Museum Corporation;

17 (3) a person who:

18 (i) is a member of a State board, commission, or similar State
19 entity; or

20 (ii) 1. is providing a service to or for the State;

21 2. is not paid in whole or in part by the State; and

22 3. satisfies all other requirements for designation as State
23 personnel as may be set forth in regulations adopted by the Treasurer pursuant to
24 Title 10 of this article;25 (4) an individual who, without compensation, exercises a part of the
26 sovereignty of the State;

27 (5) a student enrolled in a State educational institution:

28 (i) who is providing services to third parties in the course of
29 participation in an approved clinical training or academic program;

1 (ii) who, as determined by the Treasurer, is required to have
2 liability insurance covering claims arising from services to third parties performed by
3 the student in the course of the approved clinical training or academic program;

4 (iii) who, as determined by the Treasurer, cannot obtain commercial
5 liability insurance at an affordable cost; and

6 (iv) who, as determined by the Treasurer, may be required to
7 contribute to an insurance program for claims arising from services to third parties
8 performed by the student in the course of the approved clinical training or academic
9 program;

10 (6) a sheriff [or], deputy sheriff, OR MEDICAL ADVISOR of a county or
11 Baltimore City;

12 (7) an employee of a county who is assigned to a local department of
13 social services, including a Montgomery County employee who carries out State
14 programs administered under Article 88A, § 13A(b) of the Code;

15 (8) a State's Attorney of a county or Baltimore City, or an employee of an
16 office of a State's Attorney;

17 (9) a member of a board of license commissioners of a county or
18 Baltimore City appointed under the provisions of Article 2B of the Code, or an
19 employee of a board of license commissioners;

20 (10) a member of a board of supervisors of elections of a county or
21 Baltimore City, or an employee of a board of supervisors of elections;

22 (11) a judge of a circuit court of a county or Baltimore City, or an employee
23 of a circuit court;

24 (12) a judge of an orphans' court of a county or Baltimore City, or an
25 employee of an orphans' court;

26 (13) to the extent of a nonprofit organization's activities as a third party
27 payee, and to the extent the nonprofit organization has no other insurance for this
28 purpose, a nonprofit organization that has been approved by the Department of
29 Human Resources or its designee to serve as a third party payee for purposes of
30 providing temporary cash assistance, transitional assistance, or child-specific
31 benefits to Family Investment Program recipients; or

32 (14) a student, faculty, or staff member of an institution of higher
33 education who is providing a service under the Family Investment Program in
34 accordance with the provisions of Article 88A, § 47 or § 53 of the Code.

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
36 October 1, 2004.